

Public
Elected

**FREEDOM OF INFORMATION COMMISSION STATEMENT ON
HB 5035, AN ACT REDUCING MANDATES FOR MUNICIPALITIES.**

February 22, 2012

The Freedom of Information Commission (FOIC) supports, in part, Section 1 of HB 5035, *An Act Reducing Mandates for Municipalities*.

Section 1 provides, in relevant part, that: “No public agency may disclose, under the Freedom of Information Act, the residential address of any of the following persons employed by such agency, provided the employee has submitted a written request for nondisclosure to the department head or human resources department of such public agency....”

The FOIC supports an amendment to Conn. Gen. Stat. §1-217 that would prohibit the disclosure of residential addresses *from the personnel records* of certain groups of government employees. It is an effective and workable solution to the problems caused by §1-217 as it currently reads.

A broad-based coalition, including the FOIC, supports amending §1-217 to limit the FOI Act’s “address exemption,” as it is known, to personnel records, only. The coalition also includes the Connecticut Bar Association, the Connecticut Bankers Association, the Connecticut Mortgage Bankers Association, the Attorneys Title Insurance Company, the Connecticut Conference of Municipalities, the Council of Small Towns, the Town Clerks Association, and the Tax Collectors Association, the Association of Municipal Attorneys, and the Secretary of State, among others.

The coalition was formed in the immediate aftermath of the Connecticut Supreme Court decision¹ last year that held that the address exemption in §1-217 applies to every public record in every government office – without exception. It requires the redaction of thousands of addresses from all public records, including those that separate statutes require be open to the public in their complete and accurate form; that is, without any omissions or redactions. For example, land records, voter rolls, tax lists, commercial documents, just to name a few.

The coalition recognizes that compliance with the court’s decision promises to create havoc by disrupting, for example, title searches, service of process, collection of debts, and notification of adjoining landowners in planning and zoning matters. Access to voter lists will be compromised, as will the records of tax assessors, municipal clerks, the Secretary of the State, and the State Elections Enforcement Commission.

Clerks, assessors, and registrars will not be able to meet their duties under the law to certify the accuracy and completeness of their records that must be open to the public. In addition, they will no longer be able to comply with other statutes that prohibit the alteration of certain public records. These laws are there for a reason – to protect the integrity of our most important civic and commercial transactions. As others have pointed out, these records are indispensable tools.

¹ See Commissioner of Public Safety et al. v. Freedom of Information Commission and Peter Sachs, 301 Conn. 323 (June 28, 2011).

Of course, the FOIC acknowledges the safety concerns voiced by many who are covered by §1-217's protections. But those fears must be addressed in a realistic and workable manner. As it now stands §1-217 imposes a truly impossible and unending burden on every public records custodian to redact every public record in its custody. An effective solution is to amend §1-217 to apply only to residential addresses contained in an employee's personnel records. This accurately targets the records most likely to be sought by a person intent on doing harm to a government employee. For instance, a miscreant who thinks to use the FOI Act to learn the residential address of a police officer would more likely seek such information from the police department where the officer works than from the grand list in the town where the miscreant believes the officer lives.

Amending §1-217 to exempt from disclosure the residential address from personnel records provides real protection to the government employees now covered by the statute. It would relieve clerks and other officials of an impossible burden of compliance. It would protect the integrity of fundamental commercial and civic records that people rely on to know that their government is functioning competently and fairly.

For further information contact: Colleen M. Murphy, Executive Director and General Counsel at (860) 566-5682.